IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 12555 of 2004

Between:

1 C.P.Doraiswamy, S/o C.P.Sarathy Mudaliar, Bus owner
AP.03/U.6422 Chittoor
2 C.S.Suresh, S/o Singaram Mudaliar,
Bus Owner, Chittoor AP.03/U.4722; AP 03/U.3422 and
AP.03/U.1222
3 L.Raghuraman, S/o A.Lokanatha Mudaliar,
Bus Owner, Chittoor AP.03/U.3219
4 R.S.Thirukumaran, S/o L.Raghuraman,
Bus Owner, Chittoor TN.23 H.5319
5 Smt.R.Maheswari, W/o M.S.Rajendran,
Bus Owner, Chittoor AP.03/U.1684; AP.03/U.3349;
AP.03/U.1693; AP.03/U.1694 AP.03/T.3303; AP 03/T.3511 & AP.03/T.3007
6 S.Gunasekhar, S/o V.Srinivasan,
Buw Owner, Chittoor AP.03/U.3865; AP.03/U.4280; AP.03/U.4927;
AP.03/U.2417; AP.03/T.9961; AP 03/1232; AP.03/U.1228 AND AP.03/U.5358
7 C.J.Murali, S/o C.B.Jagadeeswaran,
Bus Owner, Chittoor AP.03/U.4515; AP .03/U.0515
and AP.03/U.3075
8 P.S.Vijayakumar, S/o N.Shanmugam Chetty,
Bus Owner, Chittoor AP.03/U.2561
9 K.Narasimhulu Naidu, S/o K.Subba Naidu,
Buw Owner, Chittoor AP.03/U.3637 and AP.03/U.4989
10 S.Dhanasekhar, S/o Sundaramurthy,
Bus Owner, Chittoor AP.03/U.3066 and AP.03/U.4155
11 B.S.Elangovan, S/o B.Sundaramurthy,
Bus Owner, Chittoor AP.03/W.6319
12 B.S.Kumar, S/o B.Sundaramurthy,
Bus Owner, Chittoor AP.03/U.4489

13 B.S.Pandiyan, S/o B.Sundaramurthy,
Bus Owner, Chittoor AP.03/U.3834
14 B.S. Muthimanikay S/o B. Sundaramurthy, Bus owner
Chittoor A.P. 03/F-1089
15 K. Sethuraman S/o L. Kumaraswamy
Chittoor, AP 03/U.6057 and AP 03/U.3057
16 P. Sampath Kumar S/o Ponnurangam
Chittoor AP 03/U. 2552
17 S. Vijayakumar S/o A. Subrahmanyam
Chittoor AP 21/V.5999
18 N. Damodaram, S/o Natesh Mudaliar,
Chittoor AP.03/U.4631 and AP. 03/U.5599
19 R.V. S. Bose, S/o R. Venkatesam Chetty
Palamaner, Chittoor District AP.03/U.4777 and AP 03/U.4757
20 R.V. Balaji S/o R.Venkatesam Chetty
Chittoor District AP o3/U. 1564; AP 03/U.2896 AP.03/U.4696 and AP.03/U.4676
21 M. Diwakar S/o M.M. Rathnam
Palamaner, Chittoor District AP.03/U.2263
22 M. Prabhakar, S/o M.M. Rathnam
Palammaner, Chittoor District AP 03/U.1242
23 M. Balu S/o K. Mohan Mudaliar
Chittoor, Chittoor District AP.03/U.4100 and AP. 03/U.2211
24 M. Thulasi S/o K. Mohan Mudaliar, Bus owner
Chittoor Chittoor District AP 03/U.4000
25 P. Panneer Selvam S/o Panjakcharama, Bus owner
Chittoor, Chittoor District AP 03/U.4333
26 N.P. Ramakrishna Naidu S/o P.Venkatakrishnama Naidu,
Bus owner, Chittoor AP 03/U.5786 and AP 03/U.5788
27 K. Jayabalan Prop. Jayarani Transports, Bus owner
Chittoor District AP 03/U.3988 and AP. 04T.9788
28 Smt. D. Radhika, W/o Dakshinamurthy, Bus owner
Chittoor AP 03/U.4099
29 S.Y. Ahmed Sheriff Prop. MBD Bus Service
Chittoor TN. 23/Q. 5969
30 S.Y. Anwar Sheriff Prop. MBD Bus Service,
Chittoor TN. 23/Q.5767
31 Smt. K. Saraswathi W/o A.K. Raman, Bus owner,
Chittoor TN. 20/B.2257; TN.21/B.2257 and AP 03/U.2617
32 P. Jayarama Naidu S/o Ayyaswamy Naidu, Bus owner,
AP.03/U.3755

..... PETITIONERS

AND

1 The District Collector, Chittoor, Chittoor District
2 The District Panchayat Officer, Chittoor, Chittoor District
3 The District Collector, Cuddapah, Cuddapah District
4 The District Panchayat Officer, Cuddapah, Cuddapah District
5 The District Collector, Ananthapur, Ananthapur District

6 The District Panchayat Officer, Ananthapur, Ananthapur District

7 The District Collector, Kurnool, Kurnool District
8 The District Panchayat Officer, Kurnool, Kurnool District
9 The Gram Panchayat, Agarampalli, Chittoor District
10 The Gram Panchayat, Madhyapatlapalli, Chittoor District
11 The Gram Panchayat, Santhagate, Chittoor District
12 The Gram Panchayat, Irala, Chittoor District
13 The Gram Panchayat, Nampally, Chittoor District
14 The Gram Panchayat, Patoor, Chittoor District
15 The Gram Panchayat, Damalacheruvu, Chittoor District
16 The Gram Panchayat, Mogarala, Chittoor District
17 The Gram Panchayat, Kommireddigaripalli, Chittoor District
18 The Gram Panchayat, Kothapeta, Chittoor District
19 The Gram Panchayat, Mangalampeta, Chittoor District
20 The Gram Panchayat, Bangarupalem, Chittoor District
21 The Gram Panchayat, Palamaner, Chittoor District
22 The Gram Panchayat, Baireddypalli, Chittoor District
23 The Gram Panchayat, Kuppam, Chittoor District
24 The Gram Panchayat, Vayalpadu, Chittoor District
25 The Gram Panchayat, Kalikiri, Chittoor District
26 The Gram Panchayat, Kalluru, Chittoor District
27 The Gram Panchayat, Aragonda,Chittoor District
28 The Gram Panchayat, Thavanampalli, Chittoor District
29 The Gram Panchayat, V.Kota, Chittoor District
30 The Gram Panchayat, Kalakada, Chittoor District
31 The Gram Panchayat, Pakala, Chittoor District
32 The Gram Panchayat, Chandragiri, Chittoor District
33 The Gram Panchayat, Chodepalli, Chittoor District
34 The Gram Panchayat, Mulakalacheruvu, Chittoor District
35 The Gram Panchayat, Puttur, Chittoor District
36 The Gram Panchayat, Renigunta, Chittoor District
37 The Gram Panchayat, Srikalahasti, Chittoor District
38 The Gram Panchayat, Ramasamudram, Chittoor District
39 The Gram Panchayat, Rayachoty, Cuddapah District
40 The Gram Panchayat, Gooty, Ananthapur District
41 The Gram Panchayat, Dhone, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably in the nature of Writ of Mandamus, declaring the action of the respondents- Gram Panchayats in levying and collecting daily tax/fee ranging from Rs.10/- to Rs.25/- per day in respect of the Petitioners buses as mentioned in the above cause title, as illegal, arbitrary, without jurisdiction and contrary to provisions of M.V.Act, 1988 and A.P. Panchayat Raj Act, 1994 while directing the respondents to collect only Rs.5/- per day as usual.

Counsel for the Petitioners: MR.V.NARASIMHA REDDY

Counsel for the Respondent Nos.1 to 8: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent Nos.9 to 41: SRI DAMMALAPATHI SRINIVAS

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The matter in this Writ Petition is covered by the decision of this Court in W.P.No.9251 of 2003 and batch, dated 10.08.2003.

2. Following the said decision, the Writ Petition is accordingly, disposed of. No costs.

3. However, it is declared that the respondents are directed not to collect the entry tax from the Writ Petitioners.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 08.04.2005

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To

1 The District Collector, Chittoor, Chittoor District

2 The District Panchayat Officer, Chittoor, Chittoor District
3 The District Collector, Cuddapah, Cuddapah District
4 The District Panchayat Officer, Cuddapah, Cuddapah District
5 The District Collector, Anantapur, Anantapur District
6 The District Panchayat Officer, Anantapur, Anantapur District
7 The District Collector, Kurnool, Kurnool District
8 The District Panchayat Officer, Kurnool, Kurnool District
9 The Gram Panchayat, Agarampalli, Chittoor District
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37 The Gram Panchayat, Srikalahasti, Chittoor District
38 The Gram Panchayat, Ramasamudram, Chittoor District
39 The Gram Panchayat, Rayachoty, Cuddapah District
40 The Gram Panchayat, Gooty, Anantapur District
41 The Gram Panchayat, Dhone, Kurnool District

42 2 CCs to the GP for Panchayat Raj and Rural Development, High court of A.P., Hyderabad (OUT)

43 2 CD copies

44 1 CC to MR.NARASIMHA REDDY